

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARSHA BYRD,

Plaintiff

Case No. 2:22-cv-01996-RFB-DJA

ORDER

v.

CHAPLIN EVERAGE,

Defendant

I. DISCUSSION

Plaintiff previously submitted a civil rights complaint under 42 U.S.C. § 1983 but had neither filed a complete application to proceed *in forma pauperis* nor paid the full \$402 filing fee for a civil action. (ECF Nos. 1, 1-1). The Court directed Plaintiff to file a complete application or pay the full filing fee. (ECF Nos. 3, 5). The Court has not yet screened the complaint.

Plaintiff now files a motion for voluntary dismissal. (ECF No. 6). Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

II. CONCLUSION

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF No. 6) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that the Clerk of the Court will close the case.

DATED THIS 1st day of March, 2023.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE